

01
02
03
04
05
06
07
08 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,)
10) Case No. CR03-0290-001-RSL-JPD
Plaintiff,)
11)
v.) SUMMARY REPORT OF U.S.
12) MAGISTRATE JUDGE AS TO
PHILLIP WILLIAM STONE,) ALLEGED VIOLATIONS
13) OF SUPERVISED RELEASE
Defendant.)
14 _____)

15 An evidentiary revocation hearing on supervised release violations in this case was
16 scheduled before the undersigned Magistrate Judge on November 8, 2006. The United
17 States was represented by Assistant United States Attorney Susan Roe, and the defendant by
18 Mr. Brian Tsuchida. The proceedings were recorded on cassette tape.

19 The defendant had been sentenced on or about April 16, 2004, to twenty-one (21)
20 months in custody followed by three (3) years of supervised release by the Honorable Robert
21 S. Lasnik on a charge of abusive sexual contact with a child.

22 In addition to the standard conditions of supervised release, which includes
23 compliance with all local, state, and federal laws, special conditions of supervised release
24 were imposed. These special conditions included, but were not limited to, participation in
25 substance-abuse and mental-health treatment programs, financial disclosure, no possession
26 of firearms, consent to search, no direct or indirect contact with children under eighteen (18)

01 years of age, participation in a sex offender treatment program at the direction of his
02 probation officer, submission to polygraph examinations at the direction of his probation
03 officer, to follow all lifestyle restrictions set forth by his therapist and to avoid risk
04 situations, not to go places where minors frequent without the permission of his probation
05 officer, to report all addresses and register as a sex offender in any state of residence, to
06 have no direct or indirect contact with any electronic device which communicates data via a
07 modem and no internet access, no possession or use of any pornography, to reside in a
08 community corrections center for sixty (60) days, and to complete a sexual deviancy
09 evaluation prior to his release from the community corrections center.

10 A warrant for defendant's arrest was issued on September 20th, 2006, and defendant
11 was charged with violations of conditions of his supervised release. Defendant was
12 remanded to custody until such time as the evidentiary revocation hearing was held on
13 November 8, 2006.

14 In the Petition for Warrant or Summons and the Violation Report and Request for
15 Warrant Under Seal, both dated September 20, 2006, Mr. Christopher Luscher, U.S.
16 probation officer, alleges the following violations of defendant's conditions of supervised
17 release:

18 (1) Having direct unsupervised contact with minor children under the age of 18,
19 in or before August 2006, in violation of the special condition that he have no unsupervised
20 contact, direct or indirect, with minor children under the age of 18, unless granted
21 permission to do so by the probation officer.

22 (2) Possessing and/or using pornographic material, in or about February 2006, in
23 violation of the special condition requiring him not to possess and/or use pornographic
24 material of any type.

25 (3) Using alcohol in and before August 2006, in violation of the special condition
26 requiring him to abstain from the use of alcohol and/or other intoxicants during the term of

01 supervision.

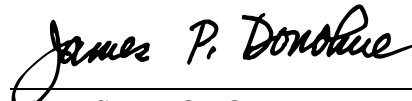
02 (4) Failing to notify the probation officer within 72 hours of any law enforcement
03 contact on or before August 24, 2006, in violation of standard condition No. 11.

04 At the evidentiary revocation hearing, the defendant admitted to alleged violations
05 number 1, 2, and 4, and the government dismissed alleged violation number 3.

06 I therefore recommend that the Court find the defendant violated his conditions of
07 supervised release as to violation numbers 1, 2, and 4, and that the Court conduct a hearing
08 limited to disposition of these violations.

09 A disposition hearing on violation numbers 1, 2, and 4 has been set before the
10 Honorable Robert S. Lasnik, for Wednesday, November 29, 2006, at 8:30 a.m. Pending a
11 final determination by the Court, the defendant has been detained.

12 DATED this 8th day of November, 2006.

13
14 
15 JAMES P. DONOHUE
16 United States Magistrate Judge

17
18 cc: District Judge: The Hon. Robert S. Lasnik
19 AUSA: Ms. Susan Roe
20 Defendant's attorney: Mr. Brian Tsuchida
21 Probation officer: Mr. Christopher Luscher
22
23
24
25
26